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August 4, 2020

BY ECF

Honorable Loretta A. Preska  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *United States v. Jeremy Hammond*  
12 Cr. 184 (LAP)

Dear Judge Preska:

We represent Jeremy Hammond, the defendant in the above-captioned case. We write to respectfully withdraw the motion previously filed on Mr. Hammond's behalf, pursuant to 18 U.S.C. § 3582(c)(1)(A), without prejudice to future applications.

At the time we filed our motion, Mr. Hammond had been "in transit" for several months – shuttled from one private jail facility to another – with no regard for the inherent danger to Mr. Hammond, staff and other inmates, as the coronavirus continued to spread across the country.

The government is correct that the conditions in Grady County, Oklahoma and Tallahatchie Correctional Facility in Mississippi are no longer relevant, as Mr. Hammond is no longer housed at either facility. That said, it is worth noting that case counts and fatalities in Oklahoma and Mississippi continue to skyrocket, underscoring the perils of the journey on which the BOP so cavalierly sent Mr. Hammond over the past few months.<sup>1</sup>

The government is incorrect, however, that the reasons proffered by Mr. Hammond are not extraordinary and compelling. As numerous courts have concluded, the threat of COVID-19 to those in prison constitutes an extraordinary and compelling reason for compassionate release. *See, e.g., United States v. Pena*, No. 15-CR-551 (AJN), 2020 WL 2301199, at \*4. (S.D.N.Y. May 8, 2020).

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<sup>1</sup> On July 2, 2020, at the time of our submission, there were 10,733 documented cases of coronavirus in Oklahoma with 369 fatalities. As of this writing, there are 38,586 documented cases and 551 deaths. *See* <https://www.nytimes.com/interactive/2020/us/oklahoma-coronavirus-cases.html> Similarly, on July 2, 2020, there were 26,568 cases in Mississippi, with 1,059 fatalities. Today those numbers have climbed to 61,125 and 1,711. *See* <https://www.nytimes.com/interactive/2020/us/mississippi-coronavirus-cases.html>

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The good news – if there is any good news in the age of the coronavirus – is that Mr. Hammond's circumstances have changed since we filed our motion. Specifically, Mr. Hammond has finally been returned to FCI Memphis, his designated facility. The BOP has calculated his release date as January 24, 2021, which means he has less than six months remaining on his sentence. Mr. Hammond can now meet with his unit team and develop a release plan; and, upon application to the warden at FCI Memphis, he can now be considered by the BOP for compassionate release under 18 U.S.C. § 3582(c)(1)(A), early release under the CARES Act, or pre-release to a halfway house or home confinement placement as a prisoner with less than 12 months remaining on his sentence.<sup>2</sup>

Your Honor's kind consideration of this letter is appreciated.

Respectfully submitted,

/s/

Susan G. Kellman

Sarah Kunstler

Attorneys for Jeremy Hammond

cc: AUSA Thomas S. Burnett, by ECF

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<sup>2</sup> The government's request that the Court deny Mr. Hammond's request with prejudice, during a nationwide, and in fact, global health crisis, is both heartless and unfounded. There is no reason to limit future applications for 18 U.S.C. § 3582(c)(1)(A), which would necessarily be based on changed facts and circumstances, and as such, and would deserve this Court's unprejudiced consideration.